

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

CHRISTOPHER ALLEN CAIN,
Petitioner,

v.

THOMAS M. TREPPIEDI,
Respondent.

NO: 2:16-CV-268-RMP

ORDER ADOPTING REPORT AND
RECOMMENDATION AND
DISMISSING PETITION

BEFORE THE COURT is Magistrate Judge Dimke's Report and Recommendation to Dismiss Mr. Cain's Petition for Writ of Habeas Corpus brought pursuant to 28 U.S.C. § 2241. ECF No. 9. Petitioner, a *pro se* prisoner at the Spokane County Jail, has paid the \$5.00 filing fee to commence this action; Respondent has not been served.

On August 18, 2016, Magistrate Judge Dimke recommended dismissal of this habeas action without prejudice based on *Younger v. Harris*, 401 U.S. 37 (1971), due to the Court's lack of jurisdiction over the Respondent, and for his

ORDER ADOPTING REPORT AND RECOMMENDATION AND
DISMISSING PETITION -- 1

1 failure to exhaust state court remedies. *See* ECF No. 9. Petitioner's objections
2 were due by September 1, 2016.

3 There being no objections, the Court **ADOPTS** the Report and
4 Recommendation. The Petition, **ECF No. 5**, is **DISMISSED WITHOUT**
5 **PREJUDICE**.

6 **IT IS SO ORDERED.** The District Court Executive is directed to enter this
7 Order, enter judgment, forward a copy to Petitioner at his last known address and
8 **close the file**. The Court further certifies that there is no basis upon which to issue
9 a certificate of appealability. 28 U.S.C. § 2253(c); FED. R. APP. P. 22(b).

10 **DATED** this 12th day of September 2016.

11
12 *s/ Rosanna Malouf Peterson*
13 ROSANNA MALOUF PETERSON
14 United States District Judge
15
16
17
18
19
20
21